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EXTRAORDINARY

PART II—Section 3—Sub-section (ii)

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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

*New Delhi, the 2nd September 1960*

**S.O. 2179.**—Under Clause 2(a) of the Scooters (Distribution and Sale) Control Order, 1960, the Central Government hereby appoint Shri B. K. Varma, Under Secretary, Ministry of Commerce and Industry, Government of India, as Controller of Scooters for the purpose of the said Order.

[No. A.E.Ind. 13(10)/60.]

C. S. RAMACHANDRAN, Jt. Secy.

ORDER

*New Delhi, the 2nd September 1960*

**S.O. 2180.**—Whereas it appears to the Central Government that it is necessary so to do for securing the equitable distribution and availability at fair prices of scooters;

Now, therefore, in exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (85 of 1951), the Central Government hereby makes the following Order, namely:—

**1. Short title, extent and commencement.—**

- (1) This Order may be called the Scooters (Distribution and Sale) Control Order, 1960.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on the 2nd day of September, 1960.

**2. Definitions.—**

In this Order, unless the context otherwise requires.—

- (a) "controller" means a person appointed by the Central Government to be the Controller of Scooters for the purposes of this Order;
- (b) "dealer" means a dealer or a sub-dealer in scooters and includes an agent appointed by a manufacturer for the sale of scooters;
- (c) "manufacturer" means a manufacturer of scooters;
- (d) "scooter" means a scooter of any description manufactured or assembled in India, or manufactured in India from components imported into India or manufactured in India or partly imported and partly manufactured in India, and includes every such description of scooter, whether called a scooterette, a moped, an auto-cycle or by any other name;
- (e) "Register" means the register maintained by a dealer under this Order.

### 3. Controller to fix quotas.—

The Controller may, from time to time, by order,—

- (a) fix quotas of scooters for meeting the requirements of the Government, or of any public authority, or of any class of persons having regard to the nature of their work or duties, or of specified regions in India, and different quotas may be fixed for different purposes or for different descriptions of scooters;
- (b) direct a manufacturer to distribute the scooters manufactured by him for sale in such regions through such dealers, in such number and manner and at such times as may be specified in the order.

### 4. Distribution of scooters by manufacturers.—

No manufacturer shall, after the commencement of this Order, sell or otherwise dispose of, or offer to sell or otherwise dispose of, any description of scooters manufactured by him, whether manufactured before or after such commencement or whether in assembled or unassembled condition, except in accordance with an order made by the Controller under clause 3.

### 5. Application for purchase of scooters.—

- (1) Every person desirous of purchasing a scooter shall apply to a dealer in the form set out in the Schedule to this Order.
- (2) Every such applicant shall also furnish along with the application a written guarantee from a bank undertaking to pay to the dealer at the time when the scooter is ready for delivery to the applicant a sum of rupees two hundred and fifty;

Provided that, in the case of a person whose name appears in the books of the dealer as an applicant for the purchase of a scooter at the commencement of this Order, the guarantee may be furnished within forty five days of such commencement.

### 6. Maintenance of register.—

- (1) Every dealer shall maintain a register in which he shall register—
  - (a) the names and other particulars of persons who have applied to him in the manner specified in clause 5 for the purchase of a scooter;
  - (b) the names of persons appearing in the books of the dealer at the commencement of this Order.
- (2) The names shall be registered in the case of persons referred to in sub-clause (1)(a), in accordance with the date of the receipt of the application and in the case of persons referred to in sub-clause (1)(b), in accordance with the date on which the name was entered in the books of the dealer.
- (3) The register shall be open for inspection during working hours by any member of the public and by such officers of the Central or a State Government as may be authorised by that Government by general or special order.

### 7. Sale of scooters by dealer.—

Except where the sale of a scooter is to the Government or to a public authority or to a member of a class of persons for whom a special quota has been fixed, no dealer shall after the commencement of this Order, sell a scooter to any person whose name is not on the register maintained by him under clause 6 or otherwise than in the order in which the names are registered in that register.

### 8. Restrictions on purchase of new scooter.—

No person who has purchased a new scooter in any calendar year shall be permitted to purchase another new scooter in the same year, except under a permit in writing from the Controller or, in a State, an officer appointed for the purpose by the Government of that State:

Provided that in the case of a purchaser which is a company, association or other body of persons, whether incorporated or not, the Controller or

the officer so appointed may, having regard to the nature of its business or its functions or any other relevant circumstances, by order in writing stating the reasons therefor, authorise the purchase in any calendar year of such number of new scooters not exceeding six as he may fix.

**9. Re-sale of scooters.—**

- (1) No person shall, before the expiry of one year from the date when a scooter was first purchased as a new scooter, sell or offer to sell it or enter into any other transaction involving the transfer of possession of the scooter to any other person except under and in accordance with the terms and conditions of a permit in writing from the Controller, or, in a State, an officer appointed for the purpose by the Government of that State.
- (2) In granting or refusing a permit under sub-clause (1), the Controller or other officer shall have regard to the circumstances relating to the proposed transaction and to the purposes to be served by this Order.

**10. Maintenance and production of books, accounts etc.—**

- (1) Every manufacturer and every dealer shall keep such books, accounts and records relating to the manufacture and distribution or, as the case may be, the sale of scooters as the Controller may prescribe.
- (2) Every such book, account or record shall, when so required, be produced for inspection before the Controller or other authority specified by the Central Government in this behalf.
- (3) Every manufacturer and every dealer shall furnish to the Controller such returns, in such manner and at such times as the Controller may specify.

**SCHEDULE**

[See clause 5(1)]

*Application for purchase of a scooter*

To

(Name and address of the dealer)

Dear Sir,

I/We want to purchase a ..... (description of scooter).

Please book my/our order and let me/us know the registration number of the order and the price of the scooter. I/We forward herewith a Bank Guarantee for Rs. 250 from (Name and address of the Bank). The other requisite particulars are given below:—

- (a) Full name and address of the applicant;
- (b) Vocation of the applicant;
- (c) Whether the applicant pays income-tax;
- (d) Whether the applicant owns or has owned any scooter, and if so, the date of purchase and sale, if any, of the last scooter;

- (e) Whether the applicant has registered for a scooter with any other dealer.  
(If the answer is 'yes' the particulars of the order should be stated).
- (f) No. and date of Bank Guarantee.
- (g) Specifications of the scooter to be purchased.
- (h) Any other information/instruction for the dealer.

Further, I/We do solemnly affirm and declare that I/We have not purchased a new scooter during this calendar year.

Yours faithfully,

Signature of applicant.....

Date.....

[No. A.E.Ind. 13(10)/60.]

K B. LALL, Addl. Secy.